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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92061257
Party	Plaintiff Fluid Energy Group Ltd.
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Date	06/08/2015
Attachments	Opposition to Motion0608.pdf(11632 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

FLUID ENERGY GROUP LTD.

Petitioner,

v.

HEARTLAND ENERGY GROUP, LTD.

Respondent.

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Cancellation No.:92061257

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OPPOSITION TO MOTION TO SUSPEND

Opposer, Fluid Energy Group Ltd, by its Attorneys, Natter & Natter, in opposition to the present motion to suspend submits that the motion lacks merit and should be denied.

Respondent's reliance on 27 CFR §2.117 (a) is misplaced. There is no pending civil action as required. A basis for discretionary suspension in the event of a pending civil action is that the district courts have power to determine the right to registration and to order cancellation of registrations. 15 USC §1119. A decision of a court cancelling the registration which is the subject of this proceeding would be controlling with respect to this cancellation proceeding.

“Decrees and orders shall be certified by the court to the Director, who shall make appropriate entry upon the records of the Patent and Trademark Office, and shall be controlled thereby.” 15 USC §1119.

The present motion is not premised upon a pending civil action in a district court, but on an arbitration proceeding. Arbitrators do not possess the specialized knowledge and expertise with respect trademark law as possessed by this Board and a determination in an arbitration is not controlling with respect to the issues to be adjudicated in this proceeding.

Dated: New York, NY
June 8, 2015

Respectfully submitted,
NATTER & NATTER
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By /Benjamin Natter/
Benjamin Natter

CERTIFICATE OF SERVICE

It is hereby certified that a true copy of the foregoing Opposition to Motion to Suspend is being mailed by first class mail postage prepaid this 8th day of June 2015 to:

Amber N. Davis
Beusse Wolter Sanks & Maire. PA
390 N. Orange Avenue, Suite 2500
Orlando FL 32801

/Benjamin Natter/